

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

SHAN PEARSON LANDRY CIVIL ACTION NO. 08-1616
VERSUS U.S. DISTRICT JUDGE DEE D. DRELL
TOWN OF FERRIDAY, et al U.S. MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION

Before the court is a motion to dismiss, **doc. #4**, referred to me by the district judge. This motion, along with **doc. #12**, was addressed in the Report and Recommendation issued August 10, 2009, **doc. #25**, but specific reference to this motion was not made in the Report and Recommendation.

For the reasons stated in the Report and Recommendation, **doc. #25**, IT IS RECOMMENDED that, though the motion appears to be unnecessary¹, the motion to dismiss, **doc. #4**, be granted, dismissing any claims by plaintiffs for bystander liability and punitive damages under 42 U.S.C. §1983 only.

OBJECTIONS

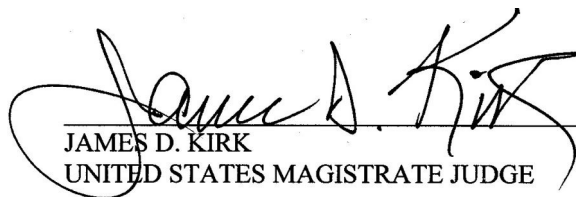
Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed.R.Civ.P. 72(b), the parties have ten (10) business days from service of this Report and Recommendation to file specific, written

¹ A more appropriate motion would have been a Rule 12 (e) motion for more definite statement which would have been more judicially efficient, saving the undersigned and the district judge significant time, and would likely have saved the defendants and the plaintiffs significant attorney fees.

objections with the clerk of court. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the district judge at the time of filing. Timely objections will be considered by the district judge before he makes his final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UN-OBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED in chambers, in Alexandria, Louisiana, on this the 11th day of September, 2009.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE